

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA** )  
                                    )  
                                    )  
**v.**                               )     **CR. NO. 1:07-CR-183-WKW**  
                                    )  
                                    )  
**RICKEY RANDELL WREX SMITH** )  
**a/k/a Jay Smith, Jolly Smith, Ray Ward** )  
**James Tod, Bryan Edgar White, "Montana"** )

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**MOTION FOR CONTINUANCE ON TRIAL SETTING**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW RICKEY RANDELL WREX SMITH, Defendant, and files this Motion for Continuance and would show in support:

1. This case is presently set for trial on September 22, 2008, at 10:00 a.m.
2. Defendant's counsel is set to go to trial on September 19, 2008, in Eastland,

Texas in the numbered and styled case, The State of Texas vs. Christopher Miller, Cause No. CR-05-20840. Defendant's counsel anticipates that this trial will last approximately two weeks. Therefore, Defendant's counsel requests the Defendant's trial be continued to a time in the future when counsel is available for trial.

3. This continuance is not sought solely for delay, but that justice may be done.

Defendant prays that the Court grant this Motion for Continuance.

Respectfully submitted,  
LAW OFFICE OF ALEX R. TANDY.

/s/ Alex R. Tandy  
Alex R. Tandy  
State Bar No. 19635000  
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Hurst, Texas 76054  
(817) 281-1600 (817) 485-7588 (FAX)

**CERTIFICATE OF CONFERENCE**

I hereby certify that on 25<sup>th</sup> of August, 2008, I called Nathan Stump to discuss the merits of my Motion, but he was not available.

/s/ Alex R. Tandy  
Alex R. Tandy

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 25<sup>th</sup> day of August, 2008, a copy of the above was served on the following individuals as reflected below:

/s/ Alex R. Tandy  
Alex R. Tandy